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OFFICE OF PETITIONS

In re Application of
Huang Ming
Application No. 10/697,934
Filed: October 31, 2003
Attorney Docket No. BP3029-H47-P15

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 28, 2005, to revive the above-identified application.

On March 31, 2004, the Office mailed a Notice of Allowance and Fee(s) Due and a Notice of Allowability, which set a three-month statutory period for reply. The Notice of Allowance indicated that applicant must submit a \$665.00 issue fee and a \$300.00 publication fee by June 30, 2004, to avoid abandonment. The Notice of Allowability required applicant to submit Corrected Drawings (as "replacement drawings") including changes required by the Examiner's Amendment attached to the Notice. Applicant did not submit a response to either Notice within the specified period for reply. Accordingly, the application became abandoned on July 1, 2004. A Notice of Abandonment was mailed on August 2, 2004.

Applicant has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Applicant submitted the required reply in the form of corrected drawings and payment of the issue and publication fees. Additionally, applicant paid the petition fee and made the proper statement of unintentional delay.

Accordingly, the petition under 37 CFR 1.137(b) is granted.

As previously stated in the decision dismissing the petition under 37 CFR 1.137(a) dated September 27, 2005, applicant authorized the Office to charge the Deposit Account for a \$750.00 petition fee. The small entity fee for filing a petition to revive an unavoidably abandoned application is \$250.00. Unfortunately, the Office mistakenly charged the Deposit Account for two petition fees, totaling \$1,500.00. Because applicant chose to file a "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," the \$750.00 petition fee will be deducted from the amount the Office overcharged. **Applicant may request a refund of the balance of \$500.00.** Any request for a refund must be made in writing to the following address:

Mail Stop 16
Director of the US Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

A copy of this decision should accompany applicant's request.

This matter is being referred to the Office of Patent Publication for issuance of a patent.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

Christina Tartere Donnell

Christina Tartere Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Notice of Draftsperson's Patent Drawing Review